

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMIEN D. SMITH,

Plaintiff,

v.

CITY OF MADISON SPECIAL
INVESTIGATIONS UNIT, et al.

Defendants.

ORDER

Case No. 15-cv-203-bbc

Plaintiff Damien D. Smith, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a proposed civil complaint. Plaintiff requests leave to proceed without prepayment of the filing fee. Plaintiff is a prisoner and, therefore, subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether plaintiff can proceed *in forma paupers*, plaintiff will have to make an initial partial payment of the filing fee for this case. The initial partial payment cannot be calculated at this time because plaintiff has not submitted a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit the certified trust fund account statement no later than April 24, 2015. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Damien D. Smith may have until April 24, 2015 to submit a trust fund account statement for the period beginning approximately August 1, 2014 and ending approximately April 1, 2015. If, by April 24, 2015, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 1st day of April, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge